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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 10/036,863      | 12/21/2001  | Gerald K. Sosalla    | 659/776             | 4027             |

7590 07/07/2003

BRINKS HOFER GILSON & LIONE  
P.O. BOX 10395  
CHICAGO, IL 60610

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| EXAMINER |
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RIVERA, WILLIAM ARAUZ

|          |              |
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| ART UNIT | PAPER NUMBER |
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3654

DATE MAILED: 07/07/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

|                              |                              |                  |
|------------------------------|------------------------------|------------------|
| <b>Office Action Summary</b> | Application No.              | Applicant(s)     |
|                              | 10/036,863                   | SOSALLA ET AL.   |
|                              | Examiner<br>William A Rivera | Art Unit<br>3654 |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on \_\_\_\_.  
 2a) This action is FINAL.                    2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 1-20 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_ is/are allowed.  
 6) Claim(s) 1,2,6-8,11-14 and 17-20 is/are rejected.  
 7) Claim(s) 3-5,9,10,15 and 16 is/are objected to.  
 8) Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on \_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 11) The proposed drawing correction filed on \_\_\_\_ is: a) approved b) disapproved by the Examiner.  
 If approved, corrected drawings are required in reply to this Office action.  
 12) The oath or declaration is objected to by the Examiner.

#### Priority under 35 U.S.C. §§ 119 and 120

13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
 \* See the attached detailed Office action for a list of the certified copies not received.  
 14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
 a) The translation of the foreign language provisional application has been received.  
 15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

#### Attachment(s)

1) Notice of References Cited (PTO-892)  
 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)  
 3) Information Disclosure Statement(s) (PTO-1449) Paper No(s) 3,5,86.                    4) Interview Summary (PTO-413) Paper No(s). \_\_\_\_.  
 5) Notice of Informal Patent Application (PTO-152)  
 6) Other: \_\_\_\_

**DETAILED ACTION**

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 2, 6-8, 11-14, and 17-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wetzler (U.S. Patent No. 3,315,908) in view of Konrad et al (U.S. Patent No. 3,519,214).

With respect to Claims 1, 2, 19, and 20, Wetzler, Figures 1-4, teaches an apparatus for winding a web comprising an upstream end; a downstream end; a first belt 28, traveling within a first plane in a first direction from the upstream end to the downstream end; a second belt 45, traveling within a second plane in a second direction from the downstream end to the upstream end, wherein a web W, in contact with the first belt, traveling in the first direction, and comprising a cigarette comprising a leading edge of the web, is wound around the cigarette by contact with the second belt; the first belt travels at a first speed, the second belt travels at a second speed lower than the first speed. Konrad et al, Figures 1-3, teach first and second belts in close proximity at one end and spaced apart at another end. It would have been obvious to one of ordinary skill in the art to replace the positioning of the belts of Wetzler with those of Konrad et al for the purpose of eliminating movable roller 65 thereby simplifying the machinery necessary to wind a roll. Further It would have been obvious to one of ordinary skill in the art to replace a single belt with a plurality of belts since it has been held that mere duplication of

essential working parts of a device involves only routine skill in the art and the device would work equally well whether it was a single belt or a plurality of belts.

With respect to Claims 6-8, Wetzler in view of Konrad et al are advanced above. It would have been an obvious matter of design choice, as determined through routine experimentation and optimization, to dimension the web of Wetzler in view of Konrad et al as specified in Claims 6 and 7, lines 1-2 because one of ordinary skill would have been expected to have routinely experimented to determine the optimum dimensions for a particular use.

With respect to Claims 11-14, 17, and 18, the method described in these claims would inherently result from the use of Wetzler in view of Konrad et al of as advanced above.

***Allowable Subject Matter***

Claims 3-5, 9-10, and 15-16 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to William A. Rivera whose telephone number is (703) 308-2684. The examiner can normally be reached Monday through Friday from 2:00 PM to 10:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kathy Matecki, can be reached on (703) 308-2688.

Application/Control Number: 10/036,863  
Art Unit: 3654

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Telephone status inquiries regarding this application should be directed to (703) 308-1113. **Facsimile correspondence** for this application should be sent to the following respective numbers:

For **BEFORE FINAL** correspondence: (703) 872-9326

For **AFTER FINAL** correspondence: (703) 872-9327



**WILLIAM A. RIVERA**  
**PRIMARY EXAMINER**

June 30, 2003